

Message Text

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ACTION L-02

INFO OCT-01 EUR-12 ISO-00 SCA-01 JUSE-00 DEAE-00 SSO-00

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R 121659Z MAR 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC 8637

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E.O. 11652: N/A

TAGS: PFOR, CPRS, SNAR, GW

SUBJECT: EXTRADITION - MARCELLOR ALVEAR-NARANJO

REFS: (A) STATE 52307; (B) BONN'S A-683, NOVEMBER
8, 1973

1. IN RESPONSE TO EMBASSY INQUIRY, FONOFF LEGAL SECTION (SCHAEFFER) HAS INFORMED EMBASSY THAT CONTRARY TO INFORMATION FROM U.S. ATTORNEY, EASTERN DISTRICT NEW YORK, SUBJECT REMAINS IN FRG INVESTIGATORY CUSTODY WHICH WILL CONTINUE UNTIL HIS APPEAL FROM HIS FOUR-YEAR SENTENCE (SEE REFERENCED AIRGRAM) RESULTS EITHER IN SENTENCE BECOMING FINALLY BINDING OR ALVEAR'S RELEASE IF HE WINS APPEAL. IF SENTENCE BECOMES FINALLY BINDING, THERE IS POSSIBILITY THAT ALVEAR'S DETENTION IN INVESTIGATORY CUSTODY SINCE MID-1972 WILL BE COUNTED TOWARD THE PERIOD OF HIS PRISON SENTENCE.

2. IN VIEW OF EMBASSY'S NOTE TO FOREIGN OFFICE DATED FEBRUARY 6, 1973, EMBASSY'S REQUEST FOR PROVISIONAL ARREST REMAINS ON THE BOOKS, AND FOR INSTITUTION OF EXTRADITION PROCEEDINGS, FORMAL EXTRADITION REQUEST WOULD NEED TO BE MADE WITH FULL SUPPORTING DOCUMENTATION REQUIRED BY ARTICLE X OF 1930 US-GERMAN EXTRADITION TREATY INCLUDING ARREST WARRANT AND
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DESCRIPTION OF FACTS CONSTITUTING OFFENSE.

3. UPON RELEASE AS RESULT OF APPEAL OR UPON SERVICE
OF GERMAN SENTENCE, AND IN ABSENCE OF EXTRADITION
REQUEST FOLLOWING UP US REQUEST FOR PROVISIONAL ARREST,
SUBJECT COULD CONTINUE TO REMAIN IN FRG AND WOULD NOT
BE SUBJECT TO DEPORTATION AS RESULT OF CONVICTION AS
WOULD AN ALIEN IN SIMILAR SITUATION IN U.S. THUS, IF
JUSTICE DEPARTMENT IS NOW PREPARED TO
REQUEST EXTRADITION REGARDLESS OF LENGTH OF SENTENCE,
IF ANY, THAT ALVEAR SERVES IN FRG, EMBASSY SUGGESTS THAT
SUPPORTING DOCUMENTATION BE PREPARED FOR TRANSMISSION TO
FRG FOREIGN OFFICE WITH FORMAL EXTRADITION REQUEST IN
NEAR FUTURE. IT WILL BE RECALLED IN THIS CONNEC-
TION THAT UNLIKE US, FRG WOULD BE ABLE TO PROCESS U.S.
EXTRADITION REQUEST WHILE PERSON SOUGHT IS SERVING LOCAL
SENTENCE AND WOULD BE SUBJECT TO EXTRADITION IMMEDIATELY
UPON HAVING SERVED GERMAN SENTENCE OR WINNING PENDING
APPEAL, IF HE WERE TO HAVE PREVIOUSLY BEEN FOUND EXTRA-
DITABLE.
HILLENBRAND

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Message Attributes

Automatic Decaptioning: X
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Concepts: EXTRADITION
Control Number: n/a
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Draft Date: 12 MAR 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: MorefiRH
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750087-0324
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Handling Restrictions: n/a
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Margaret P. Grafeld
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To: STATE
Type: TE
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